

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 18443 of 2004

Between:

Spectra Park Sports & Cultural Association, at 5-1-908, 2nd 3rd, 6th & 8th Floors,
Pushpanjali Complex, Kothi Hyderabad rep by Genral Secretary, K. Sailesh

..... PETITIONER

AND

- 1 The Commissioner of Police, Hyderabad
- 2 The Deputy Commissioner of Police, East Zone, Hyderabad
- 3 The Asst. Commissioner of Police Badechowdi, Hyderabad
- 4 The Inspector of Police, P.S. Badechowdi, Hyderabad
- 5 The Additional Deputy Commissioner of Police Task Force, East Zone

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in interfering with the lawful activities of the Writ Petitioner as illegal, unjust, arbitrary, violative of principles of natural justice, and consequently direct the respondents and their staff to not to interfere with the lawful activities of the Writ Petitioner, viz. playing chess, carroms, playing cards-13 cards Rummy with syndicate/stakes, conducting library, gym, and other skill games as per it's bye-laws.

Counsel for the Petitioner: KUM.B.G.UMA DEVI

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

In this writ petition the petitioner is seeking a Writ of Mandamus declaring the action of the respondents in illegally interfering with the lawful activities of the petitioner-Cultural Association, as arbitrary and illegal.

Heard both the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

It is brought to my notice that in similar circumstances, a Division Bench of this Court has clarified the legal position in this regard in its judgment in W.A.No.1167 of 2002 dated 29.07.2002. The relevant portion may be extracted hereunder:

“The police authorities cannot obstruct the Writ Petitioner-Club from conducting card room where the members and guests of the Writ Petitioner’s cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police are always at liberty to enter the premises and check as to whether the cultural center of the Club is conducting card room where the members and guests of petitioner’s cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, police may enter the Club and verify the same and

proceed further if the members and guests of Writ Petitioner's cultural center play other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered."

Following the above judgment of the Division Bench, the Writ Petition is disposed of in terms of the directions given in the judgment in W.A.No.1167 of 2002 dated 29.07.2002.

However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Association if they promote any illegal activity at the premises of the Petitioner-Association. No costs.

11.10.2004

Note: Furnish CC in two days

(b/o)

VGB

To

- 1 The Commissioner of Police, Hyderabad
- 2 The Deputy Commissioner of Police, East Zone, Hyderabad
- 3 The Asst. Commissioner of Police Badechowdi, Hyderabad
- 4 The Inspector of Police, P.S. Badechowdi, Hyderabad
- 5 The Additional Deputy Commissioner of Police Task Force, East Zone

Hyderabad

6 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

7 2CD copies